



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: August 19, 2015
Applicant: Functional Wellness, LLC (Cross-Fit Oracle)
Case No: PCC-15-027
Address: 656 L Street, Chula Vista, CA (APN 618-010-15-00)
Project Planner: Richard Zumwalt, AICP

Notice is hereby given that on August 19, 2015 the Zoning Administrator considered an application requesting approval of a Conditional Use Permit (CUP), filed by Functional Wellness, LLC (Applicant), to operate the Cross-Fit Oracle fitness facility (Project) for a period of three years. The subject site is located at 656 L Street (Project Site), in a 2.13 acre multi-tenant industrial complex owned by the Sweetwater Union High School District (Property Owner). The Project Site is zoned Limited Industrial (I-L) and has a General Plan designation of Limited Industrial (IL).

The fitness facility will offer group cross-fit training classes, one class at a time, for up to 15 students, Monday through Friday 6 am to 8 pm, and Saturday 8 am to 1 pm. The facility will operate in an existing 4,100 square foot suite with an exercise room, reception area, children's waiting area, and restroom. Twenty-one parking spaces will be provided in the adjacent parking lot to serve the project. No external improvements to the building are proposed (Project).

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The project qualifies for a Class 1 exemption because the project proposes only minor interior improvements and operation of a business in an existing facility, involving negligible or no expansion to the existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) of the Chula Vista Municipal Code, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

This finding is met because the approval of this project will enable the Applicant to operate an athletic club that will offer exercise training classes and facilities, and promote health awareness, which are desirable services that will benefit the community. The location is centrally located to provide convenient access for residents of western Chula Vista.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The Project is located in a multi-tenant industrial building with a total of 40 on-site parking spaces, of which a minimum of 21 spaces will be reserved for the Project. Exercise classes will be conducted indoors, which will minimize the potential for noise and other operational impacts to surrounding areas. The operation of the facility and the internal remodeling of the suite will be subject to conditions of approval, including obtaining approval of a building permit to bring the facility into compliance the building code. Thus, the Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

Granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. The Project requires approval of a building permit, which will be subject to compliance with the California Building, Electrical, Mechanical, Fire and other applicable codes. Any potential public safety issues will be addressed during the building permit review process. These conditions will be enforced through inspections prior to issuance of permits and occupancy of the use, subsequent to operation of the facility. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the Project. The Project will comply with all regulations and conditions specified in the CVMC Title 19 (Zoning Code) for uses established under PCC-15-027.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

This finding is met because the Project, as approved by this Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan. The General Plan designates the site as Limited Industrial (IL), which permits a variety of land uses, including unclassified uses. The fitness facility is a small-scale athletic club which is considered an Unclassified Use that is permitted in any zone upon approval of a temporary Conditional Use Permit, including the IL (Limited Industrial) zoning for the site. The proposed Project has also been conditioned to minimize potential adverse impacts to the site and surrounding area.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-15-027, as described above subject to the following conditions of approval:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit:

1. The Project Site shall be improved and maintained in accordance with the approved PCC-15-027 site plan and floor plan date stamped June 9, 2015, and approved August 19, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative/Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the authorized representative/Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department within 30 days. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative/Applicant

Date

3. Applicant shall obtain approval of a sign permit from the City for construction or modification of any proposed signs.

Building Division:

4. The Applicant shall obtain approval of building permit applications for the tenant improvement for the fitness facility. The building permit(s) shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC), 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.

Fire Department:

5. The building permit application shall comply with applicable codes and requirements, including but not limited to: the current California edition of the Fire Code (CFC), Building Code (CBC), and Mechanical Code as adopted and amended by the State of California and the City of Chula Vista.

Upon certification by the Development Services Department for occupancy or establishment of the use allowed by this Conditional Use Permit, the Applicant shall remain in compliance with the following conditions as long as the Project relies upon this approval:

Department of Public Works/Environmental Services:

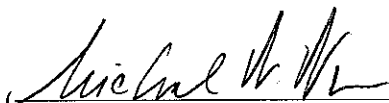
6. The Project shall operate as a small quantity generator which permits individual solid waste and recycling cart service, to be kept inside the premises. In the event that additional trash and capacity are deemed by the City to be necessary, the City reserves the right to require Functional Wellness, LLC / Cross-Fit Oracle to update and/ or expand the existing trash and recycling enclosure located at the west side of the subject building so as to meet all specifications as set forth in the Recycling and Solid Waste Planning Manual

Planning Division:

7. The hours of operation of Cross-Fit Oracle shall be Monday through Friday 6 am to 8 pm, and Saturday 8 am to 1 pm, closed Sundays.
8. The Project shall operate with a minimum of 21 parking spaces at all times during fitness classes.
9. Fitness classes and any other project-related activities shall be conducted indoors.
10. Amplified sound for fitness classes or other activities shall be conducted indoors with all doors closed.
11. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
12. This Conditional Use Permit authorizes only the use specified in the application for PCC-15-027. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
13. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

14. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and if any of the conditions fail to be implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
15. The Property Owner and Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. The Property Owner and Applicant's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of the Property Owner and Applicant's successors and assigns.
16. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval of this Conditional Use Permit.
17. This Conditional Use Permit shall expire on August 19, 2018, three (3) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 19th day of August, 2015.



Michael W. Walker,
Zoning Administrator